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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**MARIA DE LOS ANGELES PADILLA-
MIRANDA,**

Case No. 3:13-cv-405

Plaintiff,

v.

**METRO AREA COLLECTION SERVICE,
INC.,** a domestic business corporation.

Defendant.

**COMPLAINT FOR VIOLATIONS OF
THE FAIR DEBT COLLECTION
PRACTICES ACT AND THE OREGON
UNLAWFUL DEBT COLLECTION
PRACTICES ACT**

JURY TRIAL DEMANDED

**15 U.S.C. § 1692 *et seq.*
ORS 646.639 *et seq.***

1.

Maria Padilla (“plaintiff”) alleges that at all times material:

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2.

JURISDICTION AND THE PARTIES

This is a civil action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* and the Oregon Unlawful Debt Collection Practices Act (“OUDCPA”), ORS 646.639 *et seq.*

3.

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367 because the FDCPA is federal law and because the OUDCPA claims are so related to the FDCPA claims that they form part of the same case and controversy.

4.

Venue is proper in this district because the harassment occurred here and plaintiff resides here.

5.

Plaintiff resided in Washington County, Oregon during all times material and is a “person” and a “consumer” as defined by the OUDCPA at ORS 646.639(1)(h) and (a).

6.

Plaintiff is also a “consumer” as defined by the FDCPA at 15 U.S.C. § 1692a(3).

7.

Metro Area Collection Service, Inc. (“the debt collector”) attempts to enforce defaulted consumer debt obligations against Oregonians and is a “debt collector” as defined by the OUDCPA at ORS 646.639(1)(g) and the FDCPA at 15 U.S.C. § 1692a(6).

8.

The debt collector regularly attempts to collect debt in Oregon and files various collection-related legal papers in Oregon courts, and is a “person” as defined by the OUDCPA at ORS 646.639(1)(h).

9.

The debt collector attempts to collect a consumer hospital bill plaintiff allegedly owes, constituting a “debt” as defined by the OUDCPA at ORS 646.639(1)(e).

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10.

FACTUAL ALLEGATIONS

Plaintiff is a 29 year old working mother.

11.

She lives with her husband and two daughters in Washington County, Oregon.

12.

She has never lived in Salem or Marion County.

13.

She has never been to Silverton Hospital and has never owed it a debt.

14.

In or around September 2012, while she was at work, the debt collector harassed her in an attempt to get her to pay a debt to Silverton Hospital she didn't owe.

15.

She refused to pay the debt and told the debt collector she didn't owe the debt and had never been to Silverton Hospital.

16.

She tried explaining to the debt collector that it was collecting from the wrong person but the debt collector didn't seem to care.

17.

In 2013, the debt collector harassed plaintiff again, this time by sending someone to her work.

18.

The debt collector sent someone to plaintiff's work in an attempt to collect an alleged debt from her.

19.

The debt collector's actions caused plaintiff's employer to become aware of the alleged debt.

20.

The debt collector also attempts to collect fees, interest and costs plaintiff doesn't owe.

21.

The debt collector knows and has reason to know plaintiff doesn't owe it any debts, fees, interest, or costs because she explained the situation over the phone in September.

22.

The debt collector ignores plaintiff and refuses to stop harassing her in attempts to collect a debt she doesn't owe. The debt collector leaves plaintiff no choice but to file this lawsuit and let a jury decide what is fair.

23.

As a direct and proximate result of the debt collector's malicious and unlawful debt collection and harassment, plaintiff suffers severe ongoing embarrassment, injury to reputation, stress, frustration, and anxiety, and interference with her life and her work.

24.

Plaintiff is entitled to and so demands a trial by jury.

25.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

(OUDCPA)

(ORS 646.641)

26.

Plaintiff re-alleges the above by reference.

27.

The debt collector injured plaintiff through its willful and malicious use of unlawful collection practices as detailed above, violating the OUDCPA, specifically ORS 646.639(2)(e), (f), (g), (k), (m), and (n).

28.

As a result of the debt collector's willful and malicious use of unlawful collection practices, plaintiff is entitled to the greater of actual damages or \$200, punitive damages, reasonable attorneys fees and costs, and declaratory relief pursuant to ORS 646.641.

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29.

SECOND CLAIM FOR RELIEF

(FDCPA)

(15 U.S.C. § 1692k)

30.

Plaintiff re-alleges the above by reference.

31.

The debt collector injured plaintiff through its willful unlawful collection practices as detailed above, violating the FDCPA, specifically 15 U.S.C. § 1692c, d, e, and f.

32.

As a result of the debt collector's willful unlawful collection practices, plaintiff is entitled to the greater of actual damages or \$1,000 and reasonable attorneys fees and costs pursuant to 15 U.S.C. § 1692k.

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WHEREFORE, plaintiff seeks judgment against defendant as follows:

- a. An order holding defendant in violation of the laws governing debt collection;
- b. An award of actual damages, statutory damages, punitive damages, and reimbursement of plaintiff's reasonable attorneys fees and costs; and
- c. For other such relief as this Honorable Court deems just and proper.

DATED: March 9, 2013

/s/ Michael Fuller

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